

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRIAN E. CRAIG,)
Petitioner,)
v.) No. 4:16CV247 RWS
STATE OF MISSOURI,)
Respondent,)

MEMORANDUM AND ORDER

This matter is before me on petitioner's amended petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition is duplicative of an action currently pending in this Court. As a result, this action is dismissed.

Petitioner was found by a jury to be a sexually violent predator (SVP). *In the Matter of the Care of Brian Craig*, No. 10SE-PR00029 (Scotland County). The conviction was affirmed by the Missouri Court of Appeals for the Eastern District on April 16, 2013. *In the Matter of the Care of Brian Craig*, No. ED98314 (Mo. Ct. App.).

Petitioner filed his first petition for writ of habeas corpus in this Court on April 25, 2013. *Craig v. Schafer*, No. 4:13CV955 NAB (E.D. Mo.). He claimed that that the SVP trial court erred by allowing the State to cross-examine defense expert witness Dr. Steffan about his understanding of Missouri law that was part of his expert opinion. He also claimed that the trial court erred in admitting certain evidence. The matter is fully briefed and is ready for final disposition.

In the instant petition, petitioner raises the same claim regarding Dr. Steffan. He also contends that there "was no factual basis for the charges."

Section 2254 does not allow a petitioner to file a duplicative petition while his original petition is pending in court. As a result, this action is dismissed under Rule 4 of the Rules Governing § 2254 petitions.

Finally, petitioner has failed to demonstrate that jurists of reason would find it debatable whether the petition is duplicative. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [ECF No. 7] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 11th day of March, 2016.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE